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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,535	06/03/2009	Klaus Schmitt	710280-009	3201

59582 7590 11/08/2011
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EXAMINER

LEE, GILBERT Y

ART UNIT	PAPER NUMBER
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3674

MAIL DATE	DELIVERY MODE
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11/08/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,535

Applicant(s)

SCHMITT ET AL.

Examiner

GILBERT LEE

Art Unit

3674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 37-72 is/are pending in the application.
- 5a) Of the above claim(s) 52-72 is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 37-51 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 16 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-943)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 39-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 39 recites "said support ring lies on the side of the half bead oriented away from said at least said one opening". It is unclear to the examiner as to what is being claimed since the half bead is a part of the support ring.

Claim 40 recites "said support ring lies on the side of the half bead oriented away from said at least said one opening". It is unclear to the examiner as to what is being claimed since the half bead is a part of the support ring.

Claims 41 and 42 are rejected for depending on a rejected claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 37-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Udagawa (US Patent No. 4,759,585).

Regarding claim 37, the Udagawa reference discloses a metallic cylinder head gasket (K) with at least one opening (Hc) corresponding to a combustion chamber of an internal combustion engine, comprising a functional layer (K30) and a support ring (K31) lying thereunder, said functional layer including a full bead (K30a), the support ring including a full bead (K31b) which is adjacent to the functional layer, and where said support ring includes at least one further bead (K31a) which is arranged on a side of the full bead of said support ring oriented away from said at least one opening corresponding to the combustion chamber (Fig. 13).

Regarding claim 38, the Udagawa reference discloses said at least one further bead comprising a half bead (Fig. 13).

Regarding claim 39, the Udagawa reference, as best understood, discloses said support ring lies on the side of the half bead oriented away from said at least said one opening corresponding to the combustion chamber on a level lower than on the side of the half bead oriented towards said at least said one opening corresponding to the combustion chamber (Fig. 13).

Regarding claim 40, the Udagawa reference, as best understood, discloses said support ring lies on the side of the half bead oriented away from said at least said one opening corresponding to the combustion chamber on a level higher than on the side of the half bead oriented towards said at least said one opening corresponding to the combustion chamber (Fig. 13).

Regarding claim 41, the Udagawa reference, as best understood, discloses said support ring on the side of the half bead oriented away from said at least said one

opening corresponding to the combustion chamber being spaced at a predetermined distance from said functional layer (Fig. 13).

Regarding claim 42, the Udagawa reference, as best understood, discloses said support ring on the side of the half bead oriented away from said at least said one opening corresponding to the combustion chamber being in contact with said functional layer (Fig. 13).

Regarding claim 43, the Udagawa reference discloses said at least one further bead comprising a full bead (Fig. 13).

Regarding claim 44, the Udagawa reference discloses said support ring on the side of said full bead oriented away from said at least said one opening corresponding to the combustion chamber lies on the same level as the side of said full bead oriented towards said at least said one opening corresponding to the combustion chamber (Fig. 13).

Regarding claim 45, the Udagawa reference discloses said support ring lies on the side of said full bead oriented away from said at least said one opening corresponding to the combustion chamber on a level lower than on the side of said full bead oriented towards said at least said one opening corresponding to the combustion chamber (Fig. 13).

Regarding claim 46, the Udagawa reference discloses said support ring lies on the side of said full bead oriented away from said at least said one opening corresponding to the combustion chamber on a higher level than on the side of said full

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bead oriented towards said at least said one opening corresponding to the combustion chamber (Fig. 13).

Regarding claim 47, the Udagawa reference discloses said support ring on the side of said full head oriented away from said at least said one opening corresponding to the combustion chamber being at a distance from said functional layer (Fig. 13).

Regarding claim 48, the Udagawa reference discloses said support ring on the side of said full bead oriented away from the combustion chamber being in contact with said functional layer (Fig. 13).

Regarding claim 49, the Udagawa reference discloses said support ring on the side of said full bead oriented away from the combustion chamber being adjacent to the functional layer (Fig. 13).

Regarding claim 50, the Udagawa reference discloses a tip (e.g. tip of K30a) of said full bead being directed downwards (Fig. 13).

Regarding claim 51, the Udagawa reference discloses a tip (e.g. tip of K31a) of said full bead being directed upwards (Fig. 13).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GILBERT LEE whose telephone number is (571)272-5894. The examiner can normally be reached on 8:00 - 4:30, M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Beach can be reached on 571-272-6988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GILBERT Y LEE/

Primary Examiner, Art Unit 3674